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**MANCINI, WELCH & GEIGER**  
A LIMITED LIABILITY LAW PARTNERSHIP

RECEIVED  
COMMISSION ON WATER  
RESOURCE MANAGEMENT

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2009 MAY 26 AM 9:17

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May 22, 2009

Commission on Water Resource Management  
P.O. Box 621  
Honolulu, HI 96809

Re: **Surface Water Use Permit Applications**  
**Na Wai Eha Surface Water Management Area**  
**File Nos. 2151, 2153-2156, 2163-2164, 2178, 2180, 2182-2183, 2186, 2188-**  
**2189, 2191-2192, 21-96, 2203, 2205-2207, 2283 and 2287**

Ladies and Gentlemen:

This firm represents Wailuku Water Company, LLC ("Wailuku Water") which is presently before the Commission in a proceeding by which interim in-stream flow standards for the five streams located within the Na Wai Eha Surface Water Management Area ("NWE Surface Water Management Area") are being addressed. While that action was pending, the Commission gave notice that persons who desired permits to allow the use of water from the NWE Surface Water Management Area were to file complete applications for such permits no later than April 30, 2009.

Wailuku Water was one of the applicants for a water use permit from the NWE Surface Water Management Area.

Wailuku Water filed exceptions to the proposed Decision and Order establishing amended interim in-stream flow standards ("IIFS") because, among other reasons, the record as it presently exists neither includes information which the Commission is mandated to consider nor includes any reference to consideration of such statutorily mandated information. As such, **Wailuku Water objects** to the establishment of amended IIFS for the Na Wai Eha streams until such time as all requirements placed upon the Commission have been met.

Wailuku Water believes it unlikely that this Commission will begin the process of approving or rejecting a permit application until it has completed the process required of it to establish the amended IIFSs. However, because H. Admin. R. §13-171-19(a) would allow this Commission to act if no statement of objections were made to the permit applications, Wailuku Water is advising the Commission **of its objections**.

Objections to the above-referenced applications are as noted in the attached chart. Wailuku Water does not possess complete information about each application and accordingly

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reserves its right to raise additional objections to the applications as Wailuku Water receives additional information on each application.

Wailuku Water asks that the Commission file these objections with each permit application listed on the attached document. Each applicant on the attached list to which Wailuku Water is raising an objection is receiving a copy of this letter. If you have any questions about this, please feel free to contact me.

Very truly yours,

**MANCINI, WELCH & GEIGER**



Paul R. Mancini

PRM:jwg/tlc

Enclosures

cc: Wailuku Water Company, LLC (w/ encls.)  
Attached List

Na Wai Eha  
SWUPA  
Wailuku Water Company Objections

| WRC File | Applicant                          | Objections |
|----------|------------------------------------|------------|
| 2151     | Pohakulepo Recycling LLC           | 1, 2       |
| 2153     | Robert Hanusa                      | 1, 2       |
| 2154     | ROJAC Trucking, Inc.               | 1, 2       |
| 2155     | Clayton Suzuki                     | 1, 2       |
| 2156     | Nadao Makimoto                     | 1, 2       |
| 2163     | David Niehaus                      | 1, 2       |
| 2164     | Waiolani Mauka Community           | 1, 2       |
| 2178     | County of Maui, DWS                | 1, 2       |
| 2180     | Hawaiian Cement                    | 1, 2       |
| 2182     | Heinz Jung                         | 1, 2       |
| 2183     | Kihei Gardens & Landscaping Co.    | 1, 2       |
| 2186     | MMK Maui, LP, The KKGC             | 1, 2       |
| 2188     | Leslie Vida, Jr.                   | 1, 2       |
| 2189     | Wailuku Country Estates Com. Assn. | 1, 2       |
| 2191     | Charles Dando, Sr. & Jr.           | 1, 2       |
| 2192     | Charles Dando, Sr. & Jr.           | 1, 2       |
| 2196     | Wailuku Country Estates Com. Assn. | 1, 2       |
| 2203     | MTP Operating Company, LLC         | 1, 2       |
| 2205     | Hawaiian Commercial & Sugar Co     | 1, 2       |
| 2206     | Hawaiian Commercial & Sugar Co     | 1, 2       |
| 2207     | Makani Olu Partners LLC            | 1, 2       |
| 2283     | Lorin Pang                         | 1, 2       |
| 2287     | Steve Haller                       | 1, 2       |

| <u>No.</u> | <u>Objection</u>   |
|------------|--|
| 1          | Premature to process SWUPA due to lack of adoption of amended IIFS           |
| 2          | Permit should be subject to PUC approved tariff and/or applicable PUC orders |

## **APPLICANT NAMES AND ADDRESSES**

Maui County Department of  
Water Supply  
200 South High Street  
Wailuku, HI 96793

Kihei Garden & Landscaping  
Company, LLP  
P.O. Box 1058  
Puunene, HI 96784

David Niehaus  
1630 Piihola Road  
Makawao, HI 96768

Steve Haller  
1060 East Kuiaha Road  
Haiku, HI 96708

Hawaiian Cement  
P.O. Box 31000  
Honolulu, HI 96849

MTP Operating Company, LLC  
dba Maui Tropical Plantation  
1670 Honoapiilani Highway  
Wailuku, HI 96793

Dr. Lorrin Pang  
166 River Road  
Wailuku, HI 96793

Pohakulepo Recycling, LLC  
P.O. Box 262  
Puunene, HI 9678

Rojac Trucking, Inc.  
150 Pakana Street  
Wailuku, HI 96793

Wailuku Country Estates  
Community Association  
c/o Maui Land Broker and  
Property Management, Inc.  
P.O. Box 400  
Wailuku, HI 96793

Wailuku Country Estates Irrigation  
Company  
c/o Maui Land Broker and Property  
Management, Inc.  
P.O. Box 400  
Wailuku, HI 96793

Charles Dando, Sr.  
Charles Dando, Jr.  
Judy Dando  
Jena Munson  
85 E. Kanamele Loop  
Wailuku, HI 96793

Nadao Makimoto  
1480 Honoapiilani Highway  
Wailuku, HI 96793

Clayton Suzuki  
Linda Kadosaki  
Reed Suzuki  
Scott Suzuki  
P.O. Box 2577  
Wailuku, HI 96793

Heinz Jung & Cecillia Chang  
P.O. Box 1211  
Wailuku, HI 96793

Avery and Mary Chumbley  
Makani Olu Partners, LLC  
363 West Waiko Way  
Wailuku, HI 96793

Waiolani Mauka Community Assn.  
P.O. Box 946  
Wailuku, HI 96793

MMK Maui, LP  
The King Kamehameha Golf Club  
Kahili Golf Course  
2500 Honoapiilani Highway  
Wailuku, HI 96793

Hawaiian Commercial & Sugar  
Company  
P.O. Box 266  
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Michele and Leslie Vida, Jr.  
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Wailuku, HI 96793

Robert Hanusa  
895 Malaihi Road  
Wailuku, HI 96793